



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No: 0813-22
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 14 March 2022. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the U.S. Marine Corps and began a period of active duty on 7 October 1963. On 20 November 1963, a medical board report documents you were admitted to the sick list at the dispensary in █ because of decrease in visual acuity. During this examination you disclosed a history of vision concerns which commenced at the age of nine or ten years old. The examination revealed your vision is not correctable to greater than 20/50 on the right and 20/30 on the left. Based on your diagnosis of a preexisting bilateral myopic astigmatism, you were recommended for separation from the U.S. Marine Corps. On 6 December 1963, you were discharged with an honorable characterization of service by reason of convenience of the government (erroneous enlistment) as a result of the aforementioned medical examination and report. At the time you had completed two months of active service.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These

included, but were not limited to, your contentions that; (1) you were refused a veterans identification card due to your separation reason and would like it changed, (2) you were accepted in the Marine Corps at 17 years old although, based on your discharge, you should not have been, (3) you completed eight weeks of boot camp and served honorably during that time, (4) you were honest with your recruiter regarding your eyesight but you feel you were blamed for what happened, (5) after returning home post-discharge you learned the job you held prior to enlisting was no longer available which caused you to experience a long period of depression before moving on with your life, and (6) you hope to obtain a veterans identification card and utilize retailer discounts. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your discharge was conducted in accordance with governing procedures at the time and that you were appropriately discharged for erroneous enlistment based on your preexisting visual condition that was disqualifying for enlistment. In making this finding, the Board found no fault with your actions in enlisting in the Marine Corps and noted you were not discharged for fraudulent enlistment for failing to disclose your condition. However, the Board determined that your inability to qualify for a veterans identification card does not warrant a change to your record that is without error and similar to countless of other former Marines discharged under similar circumstances. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

3/28/2022

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Executive Director

Signed by: █